

Chapter 3117 - HISTORIC RESOURCES COMMISSION

3117.005 - Purpose.

The purpose of this chapter and the commission established herein is to identify structures, groups, districts and sites of historic and architectural significance and to provide a method of regulation through design review to:

- (A) Promote the importance of historic preservation throughout the city;
- (B) Identify and list the diverse historic resources of the city;
- (C) Preserve, stabilize and improve neighborhoods, business districts and property for the enjoyment of all the people of the city;
- (D) Foster civic pride in the beauty and accomplishments of the past;
- (E) Strengthen the city's economy through the creation of new jobs;
- (F) Protect the unique historical and architectural character of listed properties; and
- (G) Increase the city's tax base through reinvestment in older buildings.

Preservation of the city's heritage is a valuable goal for the city, creating new jobs and living spaces through the preservation of historic properties, groups, districts and sites and redevelopment of their buildings. Preservation and redevelopment have created and will continue to create exciting residential, office, retail and tourist districts in the city benefiting property owners, residents and visitors in particular, and all citizens in general economically and aesthetically. Regulation is critical to the preservation and redevelopment process and the protection of the beauty and identity of the city.

This chapter shall conform to and apply provisions of Chapters 3116 and 3118, C.C.

(Ord. 1517-89.)

3117.01 - Definitions.

For the purposes of this chapter the terms, phrases and words defined in C.C. 3116.011 to 3116.019, inclusive, and their derivations shall have the meaning given therein.

When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number and words in the masculine gender include the feminine and neuter. Definitions contained in Chapter 3303, C.C., and not in conflict with Chapter 3116, C.C., shall apply.

(Ord. 1517-89.)

3117.02 - Establishment of commission.

The historic resources commission is hereby established, consisting of seven (7) members. All members shall be appointed by the mayor and serve without compensation. Council recommends that appointments to the historic resources commission be made from professions and individuals, such as, but not limited to, two (2) architects; one (1) representative of the Columbus Landmarks Foundation. Recommended membership may include, but shall not be limited to, architects, contractors, carpenters, engineers, archaeologists, architectural or public historians, developers, business owners, lawyers or bankers. One (1) member shall reside in a property located in one (1) of the designated historic districts or an individually listed property. To the greatest extent possible members should, at a minimum, either own, rent, or have a business in a property listed on the Columbus Register of Historic Properties or in a designated historic district. Initially two (2) members will be appointed to serve for a term of one (1) year, two (2) members will be appointed to serve for a term of two (2) years, and three (3) members will be appointed to serve for a term of three (3) years. All subsequent terms shall be for a period of three (3) years. Vacancies caused by death, resignation or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.

(Ord. 3204-98 § 2; Ord. No. 0762-2009, §§ 1, 2, 6-8-2009)

3117.023 - Historic preservation officer.

The historic preservation officer shall provide technical and secretarial assistance to the commission; act as liaison between the public and the commission; maintain liaison with the other city departments and divisions to review the effect any proposed new building or structure might have on any listed property in their vicinity; serve as a liaison to applicants and the general public in all matters pertaining to preservation; and record designations pursuant to C.C. 3117.07.

(Ord. 1353-93.)

3117.03 - Organization.

Within thirty (30) days after the appointment of all members by the mayor, the commission shall meet and organize by the election of a chairman and vice-chairman. The commission shall adopt rules of procedure which shall be published in the city bulletin and provide for regular and special meetings. Four (4) members shall be required for official action and constitute a quorum. The commission shall take official action only by a vote of a majority of the members voting on the question on the table, during a public meeting at which there is a quorum. A quorum exists when a majority of the members appointed to and serving on the commission are physically present at the meeting. All commission meetings shall be open to the public. A record of proceedings shall be maintained and available for inspection.

Notices of all commission meetings shall be published in the City Bulletin.

(Ord. 3204-98 § 3; Ord. No. 0286-2010, § 1, 5-3-2010)

3117.04 - Duties.

The duties of the historic resources commission shall be as follows:

- A. To conduct a survey of all properties which may be eligible for designation as listed properties and make recommendation to council for the designation of appropriate properties as listed properties.
- B. To maintain the Columbus Register of Historic Properties which will contain the following information about each listed property:
 - 1. The roster number of the listed property;
 - 2. The description of the parcel of real estate on which the listed property is located as such description appears on the tax duplicate;
 - 3. The street address or other applicable reference to the recognized location of the listed property;
 - 4. A site plan of the real estate on which the listed property is located showing the location thereon of the listed property;
 - 5. A minimum of two photographs of the listed property;
 - 6. A statement of the historical and/or architectural significance of the listed property; and
 - 7. The owner's name, address and telephone number.
- C. To nominate, in a manner consistent with federal and state regulations, property for designation as listed property with approval of council and review nominations to the National Register of Historic Places and make recommendations to the mayor and city council concerning such nominations.
- D. To advise the mayor and make recommendations as to the conservation of the city's structures, sites, groups and districts or as to any alteration, rehabilitation or demolition proposed for a city-owned property, park or right-of-way listed in the Columbus Register of Historic Properties.
- E. To preserve and protect historical structures, groups, districts and sites of the city.
- F. To study the problems and determine the needs of the city in furthering the purpose of preservation.
- G. To determine what legislation or policy, if any, is necessary to further preservation, restoration and development of historical resources and to recommend the same to the mayor or council, whichever is appropriate.
- H. To prepare, adopt and publish guidelines consistent with the standards for listed properties pursuant to Chapter 3116, C.C.
- I. To consider proposed construction, reconstruction, alteration or demolition of structures or architectural features of listed properties pursuant to regulations and standards of Chapters 3116 and 3117, C.C., and pertinent guidelines and issue certificates therefor if determined to be appropriate.
- J. To work with the safe neighborhood review board to find alternatives to the demolition of any historic property within the commission's jurisdiction which is declared to be a nuisance.
- K. To receive for review, comment and recommendation from the department copies of applications and notices of all public hearings related to rezonings, special permits, variances, demolitions and zoning appeals regarding property located wholly or partially within a listed property.
- L. To provide for regular and special meetings to accomplish the purposes of paragraphs A. through K. herein.

(Ord. 1045-98 § 9; Ord. 0946-04 § 7; Ord. 897-05 § 7.)

3117.05 - Designation criteria for a listed property.

- (A) No property or interior of a structure shall be considered for designation as a listed property unless it is at least forty (40) years old and at least one (1) of the following applies to the property or to a majority of the structures in the group or district:
 - (1) The design or style of the property's exterior and/or interior is of significance to the historical, architectural or cultural development of the city, state or nation.
 - (2) The property is closely and publicly identified with a person who significantly contributed to historical, architectural, or cultural development of the city, state or nation.
 - (3) The property is identified as a significant work of an architect, artisan, engineer, landscape architect or builder whose individual work has influenced the historical, architectural or cultural development of the city, state or nation.
 - (4) The property demonstrates significant craftsmanship in architectural design, detail, or use of materials.
 - (5) The property is closely and publicly identified with an event or series of events which has influenced the historical or cultural development of the city, state or nation.

Provided however, in special circumstances a property meeting at least one (1) of the above criteria and achieving significance within the past forty (40) years may be considered for listing if it is of exceptional importance. Determination of the existence of special circumstances and exceptional importance requires unanimity of all commission members present at the meeting at which the property is being considered.

- (B) In addition to the above historical, architectural and cultural criteria, the following criteria shall be considered as part of the review process:
 - (1) The listing of the property shall not be inconsistent with the city's comprehensive plan.
 - (2) The listing of the property shall be consistent with efforts to create and maintain housing for the handicapped and people of low to moderate income.

(Ord. 1353-93.)

3117.06 - Nomination for designation of listed property.

No action shall be taken to recommend designation of a property as a listed property unless the commission shall have first received a nomination to the Columbus Register of Historic Properties. Said nomination shall include a statement of how the property meets the designation criteria for listing, a description of the property, photographic documentation and a map or site plan. A nomination may be prepared by the historic preservation officer, commission member, preservation organization,

government agency or interested person. The commission shall give the nomination preliminary review.

(Ord. 1353-93.)

3117.061 - Notice of nomination.

- (A) Upon receipt of a nomination the commission shall authorize the historic preservation officer to give notice thereof to the owner and any area commission or recognized neighborhood organization within whose jurisdiction such property lies. The notice shall identify the property considered for designation as a listed property and state the subsection of C.C. 3117.05 under which it is eligible for designation as a listed property and any other reason for which it is considered for such listing. In addition, the notice shall include a clear description of both benefits and restrictions that could apply to the property after such designation and a consent or objection form for completion by each owner.
 - (1) For an individual structure or site, notice shall be given by certified mail, return receipt requested showing date and by whom received, to the owner of the real estate on which the structure or site is located.
 - (2) For the purpose of designating a group or district, notice shall be published once in The City Bulletin and shall be mailed or otherwise distributed to each owner of real estate located within such group or district.
- (B) Upon scheduling of a public hearing by the commission, the historic preservation officer shall give each owner no less than fifteen (15) days' written notice of the date, time and place thereof.

(Ord. 1353-93.)

3117.063 - Public hearings.

- (A) No less than thirty (30) days after the owner receives the written notice provided for in C.C. 3117.061 (A)(1), or no less than thirty (30) days after the date on which the notice was mailed or published as in (A)(2), the commission shall hold a public hearing to consider the possible designation of the nominated property as a listed property.
- (B) At such hearing the commission shall decide based on the criteria in C.C. 3117.05, whether to recommend that said property be designated as a listed property. The recommendation shall be forwarded promptly to the city clerk.
- (C) City council shall schedule a public hearing regarding designation of said property as a listed property within sixty (60) days after the city clerk receives the commission's recommendation.
- (D) At said public hearing council shall determine whether to list said property using the criteria in C.C. 3117.05.

(Ord. 1517-89.)

3117.065 - Pending demolition.

If at any time during the listing process, the commission determines that the property nominated for listing is endangered by pending demolition it may seek a moratorium on the issuance of demolition permits by submitting emergency legislation therefor to the council.

(Ord. 1517-89.)

3117.067 - Resubmission.

The commission or city council upon determining that a nomination fails to meet the criteria of C.C. 3117.05, may deny the nomination, or may request additional documentation, revise the nomination, reduce the area of the nomination, or return the nomination for possible revision and resubmission.

(Ord. 1517-89.)

3117.07 - City clerk required to certify; the historic preservation officer, to record.

Immediately upon the designation of any property as a listed property, the city clerk shall certify the designation to the historic preservation officer who shall send a copy thereof to the owner, the commission and all appropriate city departments. The historic preservation officer shall have said designation recorded in the official records of the Franklin County recorder.

(Ord. 1353-93.)

3117.08 - Limitation on issuance of building permit.

- (A) Except in cases excluded by C.C. 3116.23, the department shall issue no permit for construction within a group or district or for the demolition or alteration of any property now or hereafter designated as a listed property or of any architectural feature thereof unless:
 - (1) The application shall first have been certified as appropriate under C.C. 3116.09 or as involving no architectural feature under C.C. 3116.05; or
 - (2) The commission's denial of a certificate of appropriateness has been overturned on appeal.
- (B) During the pendency of such application the department and other pertinent city agencies shall continue to process any permit application but shall not issue any permits. After a certificate of appropriateness has been issued, the department shall issue the requested permit provided all other provisions of the city codes have been met.

(Ord. 1045-98 § 10.)

3117.09 - Certificate required.

Except in cases excluded by C.C. 3116.23, no person shall alter or demolish any listed property or an architectural feature thereof or construct any structure or appurtenance therein or thereon without first applying for a certificate of appropriateness in such form and with such plans, specifications and other material as is required by Chapter 3116, C.C., and obtaining either such certificate of appropriateness or a clearance certifying that no architectural feature is involved.

(Ord. 1353-93.)

3117.10 - Exclusions and exemptions.

- (A) Nothing in this chapter shall be construed to prevent any ordinary maintenance or repair of an architectural feature which involves no change in material, design, arrangement, texture or color.
- (B) In the event the commission of any area created by Chapter 3119 is unable to exercise its powers to hear applications for certificates of appropriateness, clearance or any other certificates provided for by the city codes because such provisions are found to be illegal or unconstitutional by a court of law, the historic resources commission shall exercise jurisdiction over listed properties therein and administer and enforce provisions of its particular chapter and of Chapters 3116, 3117 and 3118 therefor.
- (C) Nothing in this chapter shall be construed to prevent the construction, reconstruction, alteration or demolition of any building or feature the department has designated as unsafe.

(Ord. 1045-98 § 11; Ord. 2229-04 § 15.)

3117.105 - Advisory task force.

From time to time a task force may be invited to provide experience, expertise and advice to the historic resources commission on a particular subject for a limited period of time. Members of such a task force shall not be compensated.

To provide continuity during transition in responsibility from the North Market commission to the historic resources commission, nine (9) North Market commission members designated by the historic preservation officer shall be invited to serve as a North Market task force to provide expertise and advice on outstanding projects in the North Market district as bounded and described in Ordinance 1630-83. The three (3) projects pending are: the New North Market Building; the District Infrastructure Improvement; and the North Market Plan Update. Upon the historic resources commission's recommendation to council on the last of said projects, the work of said task force will be completed and it shall disband.

(Ord. 232-94.)

3117.11 - Severability.

The provisions of this chapter shall be deemed severable; and, if any such provision shall be held unconstitutional by a court of competent jurisdiction the decision of such court shall not impair any of the remaining provisions.

(Ord. 1517-89.)